G. R. S. 58]

Previous references.

Ch 252-08 1-2
Ch 156-04 1-2
Ch 134-08 1-2
Ch 110-08 1-2

~~*Later references.*~~

Ch 117-03. 1-3
Ch 142-06. 1-3

Later Refers.

Cts. 209-10.
Cts. 299-10
Ch 149-11 Ch 1-4

File No. 95-10

Serial Nos. 1-4

19 10.

(Courts)

L. R.

Ch 90-31-1-4

GENERAL AND REVENUE SECRETARIAT.

Ch 24-36 (1-2)

Serial Nos. 1-4.

Part B for March. 11

SUBJECT.

The Process rules.

Table of contents

1. From the Registrar, Ch. Court no ~~95~~ 1510/93 dt 21.9-10,
Forwards for sanction a draft of the revised process rules and suggests that the Shimoga process Nazir may be given a personal allowance of Rs 10/-

2. From the Comptroller no 2044/D.a.D. 243 dt 21.9.10.
Requests to be informed of the [illegible] to be allowed to the 5 asst Nazirs sanctioned

GPB—5,000—22-10-10

for the Munsiff's Courts—

3. From the Registrar's Court no 3308/218 dt 19.1.11
Forwards copies of the opinions of the Hon'ble judges of Mysore and Shimoga in the matter and gives the opinion of the judges of the Ct.

4. To the Registrar's Ct. no 2507 dt 3/3/11
Approves of the draft-process rules

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

C's File No. 90-10.

FILE HEADING.

The Process Rules.

From The Registrar of the Chief Court of Mysore

No. 1570/93 Dated 24-9-1910 Received 28-9-1910.

Diary No. 907 | Enclos. 2. | Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for sanction a draft of the revised Process Rules, and suggests that the Sirnagra Process Nazir may be given a personal allowance of Rs 60/-

NOTES AND ORDERS.

2 From the Comptroller to Govt. No 2041 - 92 / A 243.

Requests information regarding the amount of pay to be allowed to the 5 Assistant Nazirs, newly sanctioned for the Munsiffs Courts.

Submitted J.T.O.

The Comptroller will be referred to the Process Rules when published in the Gazette.

NOTES—First sheet.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue Secretariat.

Cs File No. 95 of 1910-11

Serial No.

(1)

The Process Rules sanctioned in Govt order No J 2038-C156-2 dated the 25th January 1905, as amended from time to time, have been suitably altered, so as to exclude all reference to the Central Nazir and his work. The term "Deputy Nazir" as well as "Central Nazir" has been replaced by the words "Process Nazir". This officer with the process establishment under his direction, is made to be under the control of the Munsiff to whose court it is attached. There will be two classes of Process Nazirs, and their pay will be 1st Class Rs 25-1-30, and 2nd class Rs 20-1-25, a month. Process Nazirs of the 1st class will as before, be provided for the Munsiffs' Courts placed in the 1st class and those of the 2nd class to the 2nd and 3rd class Courts.

That is, the same scale as at present. SH

(2) It may be noted here that, in accordance with the new mode of classification of the Munsiffs' Courts according to Gross Receipts, proposed by the Chief Court in another file,

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

in lieu of the present classification according to the number of institution the Courts of the Principal Munsiffs of Bangalore and Mysore, and the Court of the Seringapatam Munsiff fall under the 1st Class; those at Kolar, Maddagiri, Hassan, Hole Narsi and Sagar, under the 3rd Class and the rest will come under the 2nd Class.

(3) It will be seen that the Munsiff Court at Shimoga, which is now a first class Court, will, if the new Classification is sanctioned, be ranked as a 2nd class Court. The Process Nazir attached to that Court, who will have to attend to the whole work of the present Central Nazir, will then be getting only Rs 20-1-25, while the two Process Nazirs attached to the two Principal Munsiffs' Courts, each of whom shares only a portion of the work of the Central Nazirs at Bangalore & Mysore, get the higher rate of Rs 25-1-30. The Chief Court therefore suggest that

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.

To avoid delay in sanctioning the rules, these two proposals will be dealt with separately

yes

it would not be fair to expect the Process Nazir to do the whole work, unless he receives a personal allowance of at least Rs 10 per mensem. They also regard the present Scale of pay of these Nazirs as unduly low and would like to see it raised by Rs 5 per mensem.

(4) In the Rules now submitted, each Process Nazir is made to furnish Security in the sum of Rs 250, the same as the present Dy Nazir's Security. But in the case of the former officer, the Chief Court have now reserved the power of raising the Security in case of necessity. The Security of peons of both classes was Rs 50/- But in a recent G.O. order the amount was raised to Rs 75/- in the case of the 1st class peons, and this rate has been adopted.

Cts 214-aq.

(5) In Rule 16 of the new Rules, the Process Nazirs are allowed a permanent advance of Rs 200 each for payment of witness batta &c. But in the Covering letter, it is stated that it would be necessary to

GPB—50,000—12-8-10

Serial No.

Continue the present permanent advance of Rs 500/- in the case of the Shimoga Process Nazir, who should also be required to furnish security in a like amount.

This could be done by the Ch. Ct. as the necessary power has been reserved
5/11/10.

(6) Attention is also invited to other additions and alterations in the Rules of 1905, which are in accordance with the Correction Slips issued from time to time. (Please see Rules 16(4), 24(1)(b) 24(5), 24(9) and in notes (1) and (b) thereto)

Courts files Nos 110 and 1844 of 08.

(7) Summary.

may be approved with the slight verbal corrections detailed below

Orders are required on the following

(1) The revised rules have to be approved.

(2) It has to be considered whether the increase of Rs 5 in the pay of the Process Nazirs may be sanctioned.

Will be separately dealt with, the Ch. Ct. being informed accordingly

(3) Personal allowance of Rs 10/- to the Process Nazir at Shimoga.

(4) Amount of security to be required from the same Process Nazir

The Ch. Ct. can do this. No orders req. vide rule 2 in the draft rules

(5) and the amount of permanent advance to be allowed to him.

vide Rule 16-para 2

Subs for orders.

Dy. Secy. 21-10-10.

(8) The office note above

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

with the remarks on the margin explains the value of the rules submitted for approval. They follow closely our existing rules with the necessary change in nomenclature. On p. 8. of the draft two corrections have been made in red ink, as the sequences to rules quoted therein appeared to be incorrect. On p. 3, the word "Controlling Offr" in rule 11 may perhaps be replaced by the word "Munsiff".

The Controlling Offr may remain. We may have separate ests for Subte Js Cts or Dn. C. Cts if the need arises.

9 (2) It is worth considering whether the Securities to be furnished by the several classes of Officials should not all be in Cash. Or at least as future appointments are concerned.

5/11/10

2nd Cr

8/4/716

10 The rules may be approved. Cash Securities would operate hardly as many of these

GPB—50,000—12-8-10

Serial No.

petty officials. If the rules are passed early, they may be brought to force from 1st Jany next.

Dewan 9/11/10

8657
12.11.10

11

There appears to be a mistake in the numbering of the rules - "2" ought evidently to be "3".

2 As to security (Rules 3 & 4) I would make it all Cash or Savings Bank deposit in the case of Putna employees - It is a decided advantage to have the security in a shape in which it can be readily realised - For this purpose I would even vote for a reduction of the amounts now proposed - The work of taking immovable property or personal bonds as security entails much expense of time in enquiry and in periodical examination of the security property & papers -

3 With this view of the rules may be approved -

To Council

Circulate

GPB—59,000—12-8-10

NOTE—Contn. sheet.

inserted in the draft 19/11/10

G. R. S. 12]
General and Revenue Secretariat.

G.S. File No. 95 of 1910-11

Serial No.	
1380	12
24.11.10	

The draft rules may be passed with the modification proposed by the Dewan. Cash securities (including Savings Bank deposits & Govt Promissory notes) should be insisted on. I have advocated a similar rule regarding Shroffs and Treasurers. Mere bonds with sureties or immoveable property is not a good enough form of security in the case of the Process Establishment

24/11

13 24/11/10

I would suggest that the Ch. Court be consulted on this matter (about securities in Cash) —

26/11/10. 14

Please address Regr. O.O.

26/11/10

Draft

24/11/

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Serial No.	
15	Submitted with a draft D.O. Chs 122/28-11-10 SN(11) 29/11/10 22 Sen 31/11/10 D.O. issued to the Registrar, Chief Court, N° 1637 & 30.11.1910.
3	From the Registrar, Chief Court N° 3308/218 & 19.1.1911. Forwards copies of the opinions of the District Judges of Mysore and Shimoga in the matter, and states that the Judges of the Chief Court agree with the view taken by the latter District Judge, that to enforce Cash Security would entail considerable difficulty. Subd. (6) A draft order approving of the draft rules generally, is put up. (7) The date from which the rules may come into force, has to be fixed. Subd for orders.
	Chs. (122) 24.1.11 SN(11) 25/1/11 18 in accordance with the views of the Ch. Ct (1) Draft may be appd. (2) The Error in the numbering of the rules will no doubt be corrected in the

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Cb File No. 95 of 1910-11

Serial No.

Chief Court-

(3) The change made in col 3 of rule 24 is in accordance with orders passed by Govt on a separate representation since made by the Ch. Ct.

27/1/11.

Sec'y. 2nd Cr

CTD.

27/1/11

The draft may be approved

Dewan

28/1/11

99487

30.1.11

Draft approved by the Dewan

22-2-11

Issue

23/2/11

Please see whether any further orders are necessary

Note—Contn. sheet.

GPB—50,000—12-8-10

No: 1510/93 Judl: 2

Bangalore, Dated 24th September 1910.

From,

The Registrar of the Chief Court of Mysore.

To,

The Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

With reference to the Proceedings of Government No. J528-9/Cts 258-08-6 dated 15th August 1910, I am ~~directed~~ desired to submit the accompanying draft of revised process rules for the sanction of the Government.

2. The Judges of the Chief Court understand that it will be necessary to continue the present permanent advance of Rs:500 in the case of the Shimoga Process Nazir who should be required to furnish security for a like amount. They regard the scale of pay at present sanctioned for Process Nazirs as unduly low and would like to see it raised by Rs:5 per mensem. In any case they suggest that it would not be fair to expect the Shimoga Process Nazir to do the work hitherto done by the Central Nazir unless he receives a personal allowance of at least Rs:10 per mensem.

3. I am further to say that the present classification of Courts (Rule 2) is altogether out of date; this is a matter which has already been brought to the notice of the Government in connection with the proposals for revising the pay of the Head Munshis.

4. The forms appended to the draft will receive their proper numbers or letters as soon as certain information (which has been called for from District Judges) is available.

I have the honor to be
Sir,
Your most obedient servant,

Registrar.

60 2

In the Chief Court of Mysore.

Civil Side.

Notification dated the

It is hereby notified that the following Rules for the service and execution of processes issued by the Civil Courts in the Mysore State, and the fees chargeable therefor, framed by the Chief Court under the provisions of section 29 of the Mysore Court Fees Regulation in supersession of those contained in Notification dated 25th January 1905, have received the sanction of Government and shall come into force from the

1. At all stations the process establishment shall be under the immediate direction of a Process Nazir, who shall be under the control of the Munsiff to whose court it is attached.

2.(a). There shall be two classes of Process Nazirs and their pay shall be 1st class ₹25-1-30, & 2nd class ₹20-1-25, a month.

Process Nazirs of the 1st class shall be provided for Munsiff's courts graded as 1st class, and Process Nazirs of the 2nd class for the Munsiffs' courts graded as 2nd & 3rd classes.

(b). There shall be two classes of Amins and their pay shall be 1st class ₹16, & 2nd class ₹14, a month.

The proportion of Amins in the higher grade shall not exceed 1 to 2 in the lower grade.

(c). There shall be two classes of peons and their pay shall be 1st class ₹8, & 2nd class ₹7, a month.

The proportion of peons in the higher grade shall not exceed 1 to 3 in the lower grade.

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The appointment of Process Nazir and his establishment shall be made by the Munsiff to whose court they are attached. All apppintments shall be subject to the provisions of section 21 of the Civil Courts Regulation No.I of 1883.

3. Each Process Nazir must furnish security in the sum of ₹250 or in such other Sum as may be fixed by the Chief Court. Each Amin of the 1st class must furnish security in the sum of ₹120 and each Amin of the 2nd class in the sum of ₹100. The security in the case of the 1st class peons shall be ₹75 & for thos e of the 2nd class ₹50/-.

4. The security to be furnished by Nazirs and Amins shall either be by bond with deposit of title-deeds of immoveable property, or deposit of cash or Government Promissory Notes; and the security to be furnished by peons shall be by bond with two sureties, or by deposit of cash, which should be invested in the District Savings Bank in the name of the depositor.

5. The 'proper officer' to whom processes shall be transmitted for service under section 72 of the Code of Civil Procedure,1882, shall be the process Nazir of the Munsiff's court within whose jurisdiction the processes are to be served.

6. The processes of each court shall be numbered consecutively as soon as all the batta charges have been paid, and shall be entered in a register in the form annexed hereto and issued for service in the order of receipt, precedence, however, being given to urgent processes issued as per Rule 19 and Note 3 to Rule 24.

The amount of batta to be paid must be notified on each process sent for service but shall be retained with the Court Nazir.

7. At 3 P.M. daily the Chief Ministerial Officer of each court shall sign the Register of Processes and process fees and transmit it to the Process Nazir together with the processes to

12 1,

be served or executed by him, which have been prepared upto that hour. Any processes prepared after 3 P.M. shall be sent to the Nazir not later than 11-30 the following morning together with the Register signed as above. After verifying the entries relating to himself, the Process Nazir shall return the Register to the court concerned with his countersignature.

8. One hour before the post time for each outlying station the Chief Ministerial Officer of each Court shall have a list prepared in the form annexed, of all processes to be served or executed within the jurisdiction of such outlying court, and such list shall be forthwith sent by post on Mysore Government Service to the Process Nazir of that station together with all such processes.

9. On receiving any batch of processes, the Process Nazir shall consecutively number and enter them in a register which shall be kept by himself or under his superintendence in the form annexed hereto.

10. He shall thereupon arrange for the distribution of the processes, and, after the necessary entries have been made in the Roster shall deliver them to the several Process Servers. As far as possible all processes other than warrants of arrest, for persons residing in the same neighbourhood shall be served by one process server and not by several whether issued by the same or different courts.

Every process nazir shall be held directly responsible for the proper service and return in due time of the processes.

The Process Servers should maintain a Register in the form prescribed.

Controlling officer (?)

11. Every day, at such hours as the ~~Munsif~~ may fix, having regard (when necessary) to the hours at which the post closes, the Process Nazir shall enter in a despatch book or list the processes to be returned to each court giving them their origin court numbers, and shall transmit them to the Chief Ministerial Officer,

12-5

Officer, who shall sign and return the despatch book or list.

12. It shall be the duty of the Chief Ministerial Officer to have the processes returned and the batta amounts, if any, disbursed thereon entered ~~it~~ in the appropriate columns of his Register and to bring to the notice of the presiding Judge any unusual delay.

13. At the close of each day, every process Nazir shall enter in his Register the number of processes distributed during the day and the number of peons remaining unemployed after the distribution.

14. When a warrant for the arrest of a judgment-debtor is returned unexecuted, the Amin or process server will at once be placed before the court by which the warrant was issued with a view to his being examined in the manner prescribed by section 343 of the Code of Civil Procedure. If the Court finds it inconvenient to make such examination as soon as the process server is so placed before it, it may postpone such examination to such other date as may be fixed by it, provided that the time that intervenes between such date and the date fixed for the return of the warrant is sufficient to admit of the process being reissued in the event of the court holding that there was not sufficient cause for the warrant being returned unexecuted.

15. When any person has been arrested or moveable property seized, by the process server of an outlying court under a warrant issued by a court superior in grade to the outlying court, the process server shall forthwith bring such person or property to the station of such court and deliver him or it to the Process Nazir, provided that this rule shall not apply to property not required to be brought to the court-house.

Such Process Nazir shall immediately give the process server a receipt and send him back to his own court, and shall produce such person or property before the Court which issued

the

the processes.

When money shall have been recovered upon any such processes, it shahl be received by the outlying Court, and duly transmitted, together with the process(es), to the Court concerned

16. A permanent advance of ₹200 will be made to each Process Nazir for the batta of witnesses, &c. The amount of batta notified on each process sent to the Nazir for service will be paid out of it unless, in special instances, moneys are sent along with process, in which case the amount should be credited in the prescribed Register as soon as it is received.

The Chief Court may at its discretion increase or reduce the permanent advance of any particular Process Nazir.

All moneys received, disbursed or remitted by the Process Nazir shall be at once entered in his Cash Book (form annexed of Nazir's account current of Permanent Advance)

Whenever the Process Nazir of a Court has not Sufficient money in his hands to pay for processes that have to be issued for service, he may, with the sanction of the presiding Judge of such Court, draw the amount required for such processes as are of his own Court as an advance from the said Court and enter the sum so received in the prescribed Register . The sums so drawn should be adjusted in due course by their being included in bills drawn under the next rule.

17. On or before the 6th of each month, or whenever a of ₹25 or more is due by any Court, the Process Nazir shall to the Court concerned a bill in the form hereto annexed s ing the account between them.

The Head Ministerial Officer of each Court shall, o receipt of the bill, carefully check it with reference to his gister, object to items not admissible in the remark column prepare an extract of such items with details. He shall tota remaining items and pass the same for payment and send the b together with the extract of objections to the Court Nazir.

T

The latter shall, after debiting the passed items individually in his Cash Register ~~He.~~, forward the amount together with the passed bill and the extract to the Process Nazir who will endorse the receipt of money on the bill and forward it to the Court Nazir for further action.

The courts in the same station as the Process Nazir should remit the amount claimed within 3 days of receipt of the bills and a week should be the longest time allowed in the case of courts at outlying stations.

The amount ~~to~~ due to each Process Nazir of an outlying station must be remitted through the Government Treasury if there is a Treasury at the outlying station and if not by a postal money order the cost of which may be charged in the contingent bill.

18. The presiding Judge of any Court may, for any sufficient reason, at any hour of the day, transmit a process for emergent execution, and it shall be the duty of the Process Nazir on receiving such process signed by the Judge to make immediate arrangements for its execution.

In a case of very special urgency, the presiding Judge may deliver any such process to ~~any~~ one of the process servers in attendance on his Court for immediate service or execution.

19. The presiding Judge of any Court may direct, on the application of the party applying for the particular process which should ordinarily be sent for service to an outlying Court, that it be served or executed by a special process server from headquarters : provided that the pay of such process server at the rate of 4 annas a day for a peon or 8 annas for an amin, for the time he is likely to be employed on such duty, be paid in advance; and the Judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceeding.

20. Except for very special reasons, which must be recorded in writing, no Court shall direct, under section 349 of the Code

of

of Civil Procedure that a judgment-debtor be left in the custody of a peon, unless a second peon is deputed to assist him and the pay of both at 4 annas a day for each up to the time fixed for the adjourned hearing, be paid in advance.

Payments under this and the preceding rule shall be made in process Service stamps.

21. Unless the Chief Court shall otherwise direct, upon due cause being shown, the number of Amins and peons to be employed under any process Nazir shall be sufficient, and no more than sufficient, for the execution of not less than 150 processes a year by each amin and not less than 400 processes a year by each peon, provided that 3 peons for each Court shall be told off in rotation for 10 days at a time to attend the Court to help to keep order and guard the court house and to be ~~valuable~~ available for emergent processes under Rule 18.

22. In calculating the number of processes, if more than one of the same description have been issued on behalf of the same party at the same time in the same suit or proceeding and executed in the same town or village, the first only shall be reckoned as a full process, and each subsequent set of three or part thereof shall count as but one process, whether executed by one or more peons. Three processes will be counted for each emergent process and one for each day that a peon is in charge of a judgment-debtor or engaged on any special duty.

23. At the end of each month every process Nazir shall prepare a statement showing the total number of processes calculated as above executed by each amin or process-peon during the month, noting also the number of processes declared by the several courts as emergent and shall submit the same to the District Judge. The District Judge shall forward the same in original to the Chief Court for perusal and return.

The District Judge shall reduce the number of peons in any process establishment in his Division whenever the average

179

number of processes for each man (exclusive of those allowed under Rule ~~18~~ 21 to be in attendance in the Courts) falls short the prescribed minimum by more than ten per centum, provided that if sufficient cause appears for lowering the minimum, he may report the matter for the orders of the Chief Court.

The District Judge will obtain and forward to the Chief Court a monthly return of receipts and disbursements on account of the service of processes showing the number of processes arrived at in the manner laid down in Rule ~~19~~ 22 separately of amins and peons excluding only those on which no action has been taken by the peon or amin, owing to the petition having been compromised or withdrawn or for any other reason, after the process has been issued. The processes issued to amins will comprise all processes for attachment or sale or delivery of possession of property moveable or immoveable and certain warrants of arrest. Those of peons will include all summonses, notices, written orders and ordinary warrants of arrest and the simpler forms of injunction and proclamation.

24. The fees chargeable for serving and executing processes issued by the Civil Courts shall be :

		Rs.-As.-P.
1.	For each summons or notice -	
	(a). To a single defendant, respondent or witness ..	0-8-0.
	(b). To every additional defendant, respondent or witness residing in the same village or town if the process be applied for at the same time.	0-4-0.
2.	Warrant of arrest	1-0-0.
3.	Proclamation ~~of attachment or~~ sale	0-8-0.
4.	Warrant of attachment of moveable or immoveable property..	1-0-0.
5.	Warrant of sale of immoveable property in cases exceeding ₹50 in value ..	1-0-0.
6.	----------Do---------- not exceeding ₹50 in value..	0-8-0.
7.	Warrant of sale of moveable property	0-8-0.
8.	Warrant of delivery of possession of property, moveable or immoveable, if no attachment has taken place.	The fee for attachment of said property.

If

18 70

If the attachment has taken place,
For immoveable property ..... 1-0-0.
For moveable property .. .. 0-8-0.

9. Injunction, order or notice not otherwise provided for 0-8-0.
And for every additional process of the same nature if applied for at the same time and if the person to be served resides in the same neighbourhood .. 0-4-0.

N.B. (1). Where warrants are to be executed in different places separate warrants with separate fees levied, should be issued if the places not being in the same village or town are more than five miles apart.

(2). The fees chargeable for warrants of sale is in addition to actual charges of advertisements as well as the commission, if any, payable in the case of sales conducted through special agency under the orders of the Court.

(3). For processes ordered to be executed as emergent on the application of parties, the fee will be the ordinary fee and half as much again.

(4). No fee is to be charged for any process issued by a Court of its own motion.

PROCESS REGISTER A.

(To be kept by the Chief Ministerial Officer of each Court).

Court.

General number of each process	Number of suit or proceeding and year	Nature of process	Number of: Original	Copies	Copies of plaints	Amount of witnesses batta, etc. entered on process	Date of delivery or despatch	Process Nazir's receipt for the despatched and acknowledgment	Date of return of process	Number as per Register B of the Nazir	Amount due to the Deputy or Central Nazir (Process	Date and number of bill by which adjusted	Amount of fees on processes issued to the Process Nazir.	Amount of fees on other processes.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
						Rs. a.					Rs. a.				

PROCESS REGISTER B.

(Register of Processes received from and returned to the several Courts).

Nazareth Station :—

General number of each Process	Court number of Process in Register A.	Suit or Proceeding and year.	Court by which sent.	Nature of Process	Amount of Process Fee levied	Witnesses' batta etc. entered in Process A	Date of issue	Name of Process server or Amin	Date of return of Process	Date of return of same to Court	Amount of batta, etc. actually expended	By what bill adjusted	Amount of unexpended batta, etc	Date of recovery from Process server	Number of Processes calculated under Rule	Remarks.
1	2			5	6	7	8	9	10	11	12	13	14	15	16	17
					Rs. a.	Rs. a.					Rs. a.		Rs. a.			

Note :- Processes to be served through departments are not intended to be forwarded to the Process nazir or entered in the B Register. They should be entered in A Register only under column 16 and sent direct from Courts and the receipts should not be credited to the Process nazir.

M 61

REGISTER ~~C~~

Name ..... Designation..... No.....

General number as per Register B	Number of suit or proceeding	Nature of Process	Name of village	Distance in miles	Date. Despatched 190	Returnable 190	Returned 190	Batta for witnesses Rs.	a.	Signature of Process-server or Amin	Amount actually spent Rs.	a.	Unexpended batta refunded Rs.	a.	Process Nazir's initials and date	Number of processes calculated under Rule ~~40~~	Manner of service	Explanation of Process-server for delay, if any
1	2	3	4	5	6	7	8	9		10	11		12		13	14	15	16

REGISTER ~~D~~

Process-server or Amin's Book.

Name Designation.

Number in Process Register B	Nature of process including name of Court	Village and names of witnesses, etc	Date Returnable	Date Returned	Amount of batta received	Amount paid to witnesses and date & signature of witnesses	Unexpended amount returned to Nazir	Date and signature of Nazir Process	Remarks
1	2	3	4	5	6	7	8	9	10

13

[Under Rule XVIII.] Form E

No. of Bill.

Amount of Process Fees advanced by ..... Nazir of

To

The Head Ministerial Officer of ..... Court.

General number of processes in Register B	General number of processes in Register A	Number of suit or proceeding	Nature of process	Amount due		Remarks
1	2	3	4	5		6
				Rs.	a.	

REGISTER

Nazir's Account Current of Permanent Advance.

Station.

Serial number	Number in Process Register B	Nature of expenditure or receipt	Receipt	Expenditure	Amount on hand	Remarks
1	2	3	4	5	6	7

~~VII A.~~

Nazir's Register of Immoveable Property attached or sold.

Number of Suit and Execution Petition	Date of attachment	Description of property and where situated	Orders affecting it prior to sale or release	Whether sold or released and when	Amount of sale proceeds	Remarks
1	2	3	4	5	6	7

NOTE. -1. The Registers of moveable and immoveable property shall be kept by every (~~Central and Deputy~~ Process Nazir.

2. The Registers shall be opened by specifying all properties standing attached on the said date.

3. The Registers shall be examined from time to time by the Judge or Munsiff to whom the Nazir is subordinate, and the fact of such examination having been made together with such instructions or remarks as may appear necessary, shall be entered by the Judge or Munsiff in his own handwriting.

4. When furniture, utensils, cloths or any other articles which admit of ticketing are kept in the Court, the serial number given in the Register should be written on a ticket and attached to the article.

~~VII B.~~

Nazir's Register of Moveables attached.

Number of Suit and Execution Petition	Date of attachment	Serial number	Description of property	Person from whom attached	Where kept and on what conditions	Orders affecting it prior to sale or release	Whether sold or released and when	Amount of sale proceeds	Remarks
1	2	3	4	5	6	7	8	9	10

Register of Curator's attached moveables and live-stock received and restored by him.

Serial No.	Court	Number of Suit	Number of Petition	Description of properties received	Date of receipt	Date of sale or release and Amin's signature	Amount of fee advanced	Full amount of fee due and paid	Cost of carriage	Remarks
							Rs. a. p.	Rs. a. p.	Rs. a. p.	

Statement showing the Receipts and Disbursements on account of the Service of Processes and work done by Amins and Peons in each Court in the ..... Division for the month of .... 19 .

Court	Stamp fees collected on processes including money remittances from other Courts	Postage refunds and other miscellaneous charges	Cost of process-service establishment deducting fines, stoppages, etc.	Total of columns 3 and 4	Number of processes served or executed by—		Processes of a nature to be entrusted to Amins only	Other processes	Number on the roll				Average number of processes executed during the month by each		Amount of permanent advance		Remarks on a comparison of columns 5 and 6
					Amins	Peons			Amins		Peons		Amin	Peon	On hand	Advanced	
									1st grade	2nd grade	1st grade	2nd grade					
1	2	3	4	5	6		7	8	9				10		11		12

Instructions :—

Columns 6, 7 and 8—The special mode of computation prescribed in Rule XXIII should be applied in the case of these columns.

..... Court,
19 .

To

The Registrar of the Chief Court of Mysore, Bangalore.

District Judge.

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted.

No. 1041

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT,

Dated Bangalore, the 21st Septr: 1910.

FROM

J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., etc,.
Comptroller to the Govt. of
His Highness the Maharaja of Mysore.

To

C.S.Balasundaram Iyer Esq., B.A.,
Secretary to the Government of Mysore,
General and Revenue *Department.*

SIR,

Adverti[illegible] r No.J.528-9/Cts.256-08-6 and Fl:909/Gl:Fin:73-10-1 dated 15/17th August 1910 sanctioning the entertainment of 5 Assistant Nazirs for the Munsiff's Courts at ... Bangalore, Mysore and Shimoga owing to the abolition of the Contral Nazreth system, I have the honor to request that you will be so goo as to intimate the pay of the 5 Assistant Nazirs to be entertained.

I have the honor to be,

Sir,

Your most obedient servant,

J S Chakravarti

Comptroller.

Treasury Accounts Department

1910.

From

J. S. CHAKRAVARTI, Esq.,
M.A., F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

C. S. Balakrishna Iyer Esq., Bar.
Secretary to the Govt of Mysore,
Genl & Rev Dept.

Dated 21
Despatched 23 September
Received 24 41
No. 243

Subject Matter.

Requesting to intimate the Pay & additional Majoris Sanctioned in G.O. Pro No. J 5-28-9 & 5-256-08-1 & Fl 909. Sel Fin 72-07-1 dated 17th Aug 1910 for the Munsiffs Courts at Bangalore, Mysore and Shimoga owing to the abolition of the Central Majority System.

GPB—1,000—26-7-08

G.R.S. 26]

Cts. File No.

Serial No. 18

Diary No. of letter replied to

D. O. No. J 1637/CS 7-5-10

General and Revenue Secretariat

(CS)

, the *19* .

~~To~~

Dear Sir,

Date of issue 30-11-10

Signed by for S. Wijayamuniya

Please refer to paras (3) and (4) of the draft process Rules sent up with your letter No 1510/93 dated the 24th September 1910 regarding the security to be furnished by Nazirs, amins and process peons.

(2) As the work of taking immovable property or personal bonds as security entails much expenditure of time in correspondence and the periodical examination of the ~~security~~ property and ~~rates~~, Govt Consider it a decided advantage to have

over.

SUBJECT.

47 Security in a shape
in which it can be readily
realized. For this purpose
they would make it all
Cash or Savings bank
deposits in the case of
future employees, even
if it be with a reduction
of the amounts now
proposed.

3. I am to request that
the above Suggestion may be
placed before the Chief Court
and the Govt favoured with
their opinion at their
earliest Convenience

Yours Sincerely,

S.V.III/
28/11/10

28

V.A. Rajaratna Major Esqr
Regr, Chief Court

DAQMG
HCs
122/28-11-10

List of enclosures,

Copied by Blackshumant

Examined by C/30/11/10

GPB—20,000—12-8-10

No: 3308/218 Jud-2

20

Bangalore,
19th January 1911.
218

From,

The Registrar of the
Chief Court of Mysore.

To,

The Offg. Secretary to the Government
of Mysore,

General and Revenue Departments.

Sir,

Adverting to your demi Official letter No: J 1637 - Cts 95-10 dated 30th November last Calling for the Opinion of the Chief Court as to whether the Security to be furnished by the process Officials Cannot be taken in Cash, I am directed to State that the District Judges of Mysore and Shimoga have been Consulted in the matter. Copies of their opinions are forwarded.

It

24(a)

It will be seen that the former is in favor of the proposed change but that the latter foresees that its adoption will entail Considerable difficulty. The Judges of the Chief Court are inclined to agree with the View taken by the Shimoga District Judge. The Process-Serving establishment is very poorly paid and even at present recruitment is difficult. Under the proposed rules it is quite possible that recruits will not be forthcoming at all.

I have the honor to be,
Sir,
Your most Obedient Servant,

Registrar.

SBB

22 District Court, Mysore.

No. 1872/293 Cons. 6. dated 26th day of December 1910.

1910—11.

From,
J. Paramasiva Iyer, Esquire,
District Judge, Mysore.

To, V. A. Rajaratnamudaliar, Esquire,
Registrar of the
District Court of Mysore,
Bangalore.

Sir,

With reference to your docket No: 2519-20/168 dated the 2nd instant, re security to be furnished by Bailiffs, Amins and Process Servers, I have the honor to forward herewith in original the letters received from the Bailiffs in the Division and to state that it will be decided by advantageous to have the security in the shape of Cash or Savings Bank deposits, that it is not advisable to reduce the amounts of security now prescribed, and that the securities of such of the present employees as cannot pay the whole amount in Cash or furnish Savings Bank deposits may be gradually

Converted

Converted to Cash by withholding a pro-
portionate amount out of their Salaries. I
respectfully invite in this connection,
earnest attention to my recommendation
repeated more than once, to raise the
pays of 1st & 2nd class Process peons
to Rs 9 and 8 respectively with reference
to the increased cost of living and
the large Savings credited month
after month out of the earnings of the
Process establishment (Vide No: 3431/544
dated 24th June 1909).

I have &c,

Sd/- T. Paramasiva Iyer
District Judge.

"Copy"

Registrar.

No: 1322 / 263 En: 5.

24

Office of the District Judge, Shimoga Division
Shimoga, the 4th / 6th January 1911.

From,

Mr. Hamza Hussein, Esquire, B.A., B.L.;
District Judge, Shimoga Division.

To,

V.A. Rajaratna Mudaliar, Esquire,
Registrar,
Chief Court of Mysore,
Bangalore.

Sir,

With reference to your Docket No: 2519-20/168 dated the 2nd December 1910, Calling for opinion in re the proposal of the Government to prescribe Cash Security instead of the personal Security or the Security by deposit of title deeds of immovable property, in Case of those Officials of the Civil Courts who are required to furnish Security, I have the honor to state that

the

the proposed change will no doubt facilitate the recovery of the securities in cases of defalcations, but its adoption is attended with serious difficulties which cannot be overlooked. In the first place, the majority of the officials are poor and start in life with no advantage of wealth or hereditary property with large families to support, they cannot be expected to save out of their pay such large sums of money as are required for deposit. They will naturally resort to borrowing money from some local money-lender at high rates of interest and since these money-lenders have invariably some business in the Courts, it will not be good policy to encourage any such transactions between them and the officials of the Court. In the second place, the business of the Courts will be very much retarded. There are very many officials who have not the ready means to furnish the security. They would naturally ask for time to secure the money instead of foregoing the

the promotion which an appointment of the kind may brings to them. Further, it will be extremely difficult to enforce the rule in Case of acting appointments. Considerable difficulty is felt, now, on account of the unattractiveness of the Service, in filling up the acting appointments in the grade of process Servers, and that difficulty will further be enhanced if Cash Security is prescribed for them.

I am therefore in favour of the retention of the present System which on the whole has worked Satisfactorily, there being no instances ~~as~~ to my knowledge where the defalcated amount has not been recovered from the Securities offered.

I have &c,

Sd/- Amir Hamza Hussein
District Judge.

"Copy"

Registrar.

G.R.S. 28.]

2724

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.

(45)

Hag. E

, the 19

Date of issue 3-3-11

Signed by Sri B Rameswamayya

1-

27

File No. 95-

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ ~~again~~ —

Govt Proceedings

No J 1904-05 — Cts 256-08-4 dated the 17th January 1910, introducing Certain Changes in the Courts regarding the System, and requesting the Chief Court

~~ORDER THEREON.— No.~~

to submit draft rules embodying those Changes.

2) Letter No 1510/93 dated the 24th September 1910, from the Registrar, Chief Court submitting for sanction

over

SUBJECT.

a draft of the revised process
rules

(3) Letter No 3308/218 dated
the 19th January 1911, from
the same officer on the subject

Order thereon; No. J2504/65-95-10-4. dt 3-3-1911.

Govt ~~are pleased to~~
approve of the proposed
draft rules, received with
the Registrar's letter read
above, with the observation
that Rule (18) and Rule (19),
referred to in paras (2) and
(3) of Rule (23) of the draft,
are apparently mistakes
for Rules (21) and (22) — the words "attachment or
respectively, and that item
(3) of Rule 24, regarding the
fees chargeable in respect
of a proclamation of attachment
have since been ordered
to be omitted. with these
modifications, ~~the Rules may~~

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

and with appropriate numbers or ~~letters~~ letters being given to the forms appended thereto, the new rules may be issued so as to come into force from the 1st day of July 1911.

(2) As regards the scale of pay of Process Naziris, separate proposals may be submitted in the usual course, in case for the consideration of Govt. Separate orders will be passed in regard to the ~~fixed~~ grant of personal allowance to the Nazir at Shimoga, and the new classification of Munsiff's Courts, proposed by the Chief Court.

Secretary to Govt.

To The Registrar, Chief Court of Mysore

No. H.C.S. (122) 24-1-11.